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Ryan-Tyler:Family of Kilby  
RR-001  
72 Kevin Drive  
[02878]

U.S. DISTRICT COURT  
DISTRICT OF MASS.

## United States Court of Appeals for the First Circuit

### JURISDICTION

PLAINTIFF'S NAME,

THE STATE OF MASSACHUSETTS

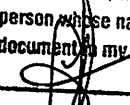
vs.

RYAN TYLER KILBY,

Defendant

Case No.: Number

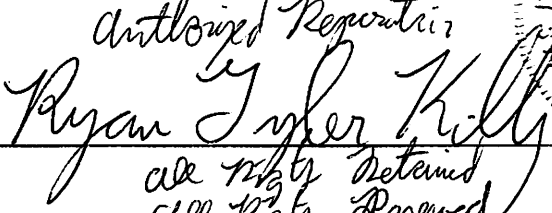
NOTICE OF REMOVAL FOR LACK OF  
JURISDICTION

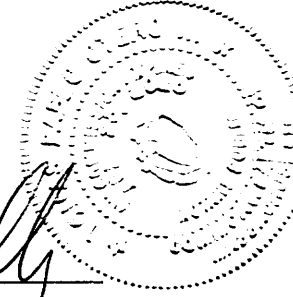
On this 27<sup>th</sup> day of January, 2020  
before me, the undersigned Notary Public personally  
appeared Ryan Tyler Kilby (name of document signer),  
proved to me through satisfactory evidence of  
identification, which were US Passport, to be the  
person whose name is signed on the preceding or attached  
document in my presence.  
 (official signature and seal of Notary)



TOMAS PABLO OTERO III  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Apr. 25, 2025

Dated this day of January 27<sup>th</sup>, 2020

*Authorized Representative*  
  
*all rights reserved*



TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that affiant(s) Ryan-Tyler: Kilby hereby removes to this Court the state  
court action described below.

1. On (list date) action was commenced in the District Court of the State of Massachuses in  
and for the County of Bristol entitled THE STATE OF MASSACHUSETTS v. RYAN TYLER  
KILBY, as case number (list case number) attached hereto as Exhibit "A" and incorporated  
herein by reference.

NOTICE OF REMOVAL FOR LACK OF JURISDICTION - 1

2. The first date upon which defendant(s) received a copy of the said complaint was **(LIST DATE COPY OF COMPLAINT WAS RECEIVED)** when defendant(s) was (were) served with a copy of the said complaint and a summons from the said state court. A copy of the summons in attachment hereto as Exhibit “B” and incorporated herein by reference.
3. This action is a civil action of which this Court has original jurisdiction under 28 USC ss 1441(a) in that it arises under **(LIST HERE THE SPECIFIC STATUTE, CONSTITUTIONAL AUTHORITY, OR OTHER BASIS OF FEDERAL QUESTION JURISDICTION. CONSTITUTION OF THE UNITED STATES OF AMERICA 1st, 4th, AND 5th AMENDMENTS.) IF OTHER DEFENDANTS ARE LISTED IN THE COMPLAINT, USE THE FIRST PARAGRAPH BELOW.**
4. All other defendant(s) who have been served with Summons and complaint have joined in this Notice of Removal as evidenced by the signatures of the defendant **(LIST NAME OF DEFENDANT)** as shown below OR as shown by Joinder of **(LIST NAME(S) OF DEFENDANTS JOINING)** filed concurrently herewith and incorporated herein by reference. **(IF THERE ARE OTHER DEFENDANTS USE THE PARAGRAPH BELOW.)**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FALL RIVER POLICE DEPT.,  
Plaintiff,

: Massachusetts Docket No. 2032CR000183

v.

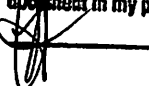
Kilby, Ryan:Tyler,  
Defendant, *in propria persona*

Kilby, Ryan:Tyler, Defendant, *In Propria Persona*.

Invoking Title IX truth as a defense against libel, I am writing unto you to clear my name and set the record straight. Even though I had express permission to be at Crunch Fitness Fall River, I was arrested twice on an invalid no trespassing order. I have never bothered or harassed anyone there. In fact, the FRPD have violated my 1<sup>st</sup> amendment rights and the 1<sup>st</sup> amendment rights of the Crunch Fitness manager by coercion and intimidating him into contracting with them. They also interfered with my 1<sup>st</sup> amendment rights to choose who I do business with. There is Supreme Court Case Law that supports this claim. See Burgess v. Storey County Board of Commissioners. Previously, they have also crossed the border into another state to question me on a false harassment allegation. I have brought suit against them in Bristol County Superior Court over the matter on December 23<sup>rd</sup>, 2019. On January 13<sup>th</sup> and 15<sup>th</sup>, I was falsely arrested and I can prove it. That is double jeopardy as well, being charged twice for the same crime. I will have to do further research, but this could very well be a 4<sup>th</sup> amendment violation as well. The fact of the matter is that there are some members of the FRPD that are scared, and will do anything to demonize me. Keep in mind, Frazier v. Cupp says that Police can lie on police reports, lie to witnesses, and lie to suspects but you can not lie to the police. My true permanent address on the DS-11 is Rural Free Delivery, fall river, ma, 00000; I have no idea off the top of my head where Palmer Street is, so that all points bulletin is false and people know it. The Massachusetts Attorney General herself has recommended that I contact internal affairs, which I have already done so.

On January 23<sup>rd</sup>, I got dropped off to the courthouse in Fall River and I was denied entrance

twice. I was denied due process, and this is a very serious offense on their part. That is a violation of their sworn oath of office, if they even have one. So that is where my case stands now, but I am determined to win in court. I will prove the fraud, coercion, corruption, official misconduct, defamation, disbaring from the truth, and those responsible will be brought to justice. I will prevail in court, and expose all that have caused injury. May God bless the Commonwealth of Massachusetts and the United States of America. See *Ferdyre v. City of Seattle* and *Smith v. City of Cumming*.

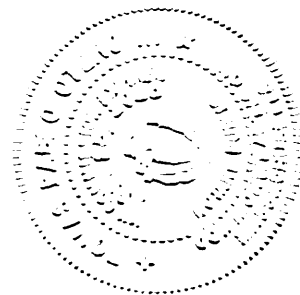
On this 27th day of January, 2020.  
before me, the undersigned Notary Public personally  
appeared Ryan Tyler Kelly (name of document signer),  
proved to me through satisfactory evidence of  
identification, which were US Passport, to be the  
person whose name is signed on the preceding or attached  
document in my presence.  
 (official signature and seal of Notary)



**TOMAS PABLO OTERO III**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Apr. 25, 2025

/s/ Ryan Tyler Kelly Authorized Representative  
All Rights Retained  
All Rights Reserved

*In Propria Persona*  
January 27th, 2020



THE REPUBLIC OF THE COMMONWEALTH OF MASSACHUSETTS  
FALL RIVER DISTRICT COURT

FALL RIVER POLICE DEPT.,  
Plaintiff,

:

:

Docket No. 2032CR000183

v .

:

Kilby, Ryan:Tyler,  
Defendant, *in propria persona*

**MOTION FOR DISMISSAL FOR LACK OF JURISDICTION**

Kilby, Ryan:Tyler, Defendant, *In Propria Persona*.

2020 JAN 15 P 2 19  
FALL RIVER  
DISTRICT COURT  
FILED

I, Ryan of the Kilby family, son of Paul, *in propria persona*, a naturally born  
massachusetts state citizen, a descendant of the Posterity of the Preamble, a secured party  
creditor in Rhode Island and Massachusetts, can expediently prove my innocence of the false  
charge of trespassing. Keith Cantwell does NOT have legal control of the said property on  
William S. Canning Blvd. Upon doing an online U.C.C. corporate database search on the  
website of the Secretary of State of Massachusetts, I have discovered that Keith Cantwell  
ONLY has legal control of 184 Liberty Street, Randolph, MA. I have never visited this area of  
Massachusetts; he does not have legal control of any property on William S. Canning Blvd.,  
therefore the "no trespassing" order is invalid. There is also no *corpus delicti*, other than to  
myself committed by the Fall River Police for false arrest, false imprisonment, and perhaps  
defamation as well. I also had express permission to be at Crunch Fitness Fall River both by  
the head manager of the property and a commanding officer of the Fall River Police  
Department.

"For a crime to exist, there must be an injured party (Corpus Delicti) There can be no


sanction or penalty imposed on one because of this Constitutional right." *Sherer v. Cullen* 481 F. 945: "Supreme courts ruled 'Without Corpus delicti there can be no crime' "In every prosecution for crime it is necessary to establish the "corpus delecti", i.e., the body or elements of the crime." *People v. Lopez*, 62 Ca.Rptr. 47, 254 C.A.2d 185. "With no injured party, a complaint is invalid on its face". *Gibson v. Boyle*, 139 Ariz. 512. There is no injured party, other than myself being the injured party. See C.A. 1973CV01202 Kilby, Ryan Tyler vs. Fall River Police Department filed on December 23<sup>rd</sup>, 2019 in Bristol County Superior Court. I also have an active gym membership at Crunch Fitness Fall River and had express permission to be there at the property, giving me an implied license. "Under some circumstances, a person may be privileged to enter onto another's property to determine whether the person in control wishes to deal with him, and for passage off upon receiving a negative answer. See *Commonwealth v. Hood*, 389 Mass. 581, 589-590 (1983); *Commonwealth v. Krasner*, 360 Mass. 848, 848 (1971) (such implied license may extend to some parts of the property but not others); *Richardson*, 313 Mass. At 639-40." (MODEL JURY INSTRUCTIONS) Once again, I had express permission to be at 450 William S. Canning Blvd. Crunch Fitness Fall River.

The main manager of Crunch Fitness Fall River himself gave me permission to be there physically, and stated himself that I have caused no problems there. There was also no court order for me not to trespass; furthermore, the franchise owner of Crunch Fitness Fall River resides in Connecticut; this unknown individual is the legal owner of Crunch Fitness Fall River. This makes sense, as Crunch Fitness is registered as a foreign corporation on the U.C.C. corporations online database. Keith Cantwell is not the franchise legal owner of

Crunch Fitness Fall River; Keith Cantwell is the legal owner of CANTWELL DESIGN AND CONSTRUCTION, INC. located at 184 LIBERTY ST, RANDOLPH, MA. I had permission to be on 450 William S. Canning Blvd from both the Crunch Fitness Fall River manager and a commanding officer of the Fall River Police Department, thus giving me an implied license as defined in Massachusetts case law. "Statements of counsel in brief or argument are not sufficient for summary judgment." (Trinsey v. Pagliaro) I also motion this court for a full refund of the \$40 that was paid for bail. I invoke the The Constitution of the Commonwealth of Massachusetts of 1780 for this case as well.



JERRY PINA  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires Feb. 21, 2025

Is/  Thank You.  
Authorized Representative

RYAN TYLER KILBY  
All Rights Retained  
All Rights Reserved  
*In Propria Persona*  
January 15<sup>th</sup>, 2020

**COERCION IN THE FIRST DEGREE**  
**Penal Law § 135.65(2)**  
**(Committed on or after September 1, 1967)**

The (specify) count is Coercion in the First Degree.

Under our law, a person is guilty of coercion in the first degree when<sup>1</sup> he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage, and when he or she thereby compels or induces the victim to:

*Select appropriate alternative(s):*

Commit or attempt to commit a felony.

Cause or attempt to cause physical injury to a person.

Violate his or her duty as a public servant.

by means of instilling in him or her a fear that, if the demand is not complied with, the actor or another will:

*Select appropriate alternative(s):*

Cause physical injury to a person;

Cause damage to property;

Engage in [other] conduct constituting a crime;

Accuse some person of a crime or cause criminal charges to be instituted against him or her;

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<sup>1</sup> Penal Law §135.65 reads: "A person is guilty of coercion in the first degree when he commits the crime of coercion in the second degree ..." The charge substitutes the language of coercion in the second degree in the appropriate place. Insert footnote that charge incorporates 2d degree.



Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule;

Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act;

Testify or provide information or withhold testimony or information with respect to another's legal claim or defense;

Use or abuse his position as a public servant by performing some act within or related to his or her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely;

Perform any [other] act which would not in itself materially benefit<sup>2</sup> the actor but which is calculated to harm another person materially with respect to his or her health, safety, business, calling, career, financial condition, reputation or personal relationships.

The following term(s) used in that definition has/have a special meaning:

*Select appropriate alternative(s):*

Under our law, (*specify*) is a felony. *If appropriate define the felony.*

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<sup>2</sup> If necessary "benefit" may defined as follows: " 'Benefit' means any gain or advantage to the beneficiary and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary." Penal Law § 10.00(17).

"PHYSICAL INJURY" means impairment of physical condition or substantial pain.<sup>3</sup>

"PUBLIC SERVANT" means any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or any person exercising the functions of any such public officer or employee. The term public servant includes a person who has been elected or designated to become a public servant.<sup>4</sup>

[NOTE: Add if applicable:

It is no defense to a prosecution for coercion [or an attempt to commit coercion] that, by reason of the same conduct, the defendant also committed

*Select appropriate crime:*

bribe receiving by a labor official<sup>5</sup>

bribe receiving<sup>6</sup>].<sup>7</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name).

*Select appropriate alternative(s):*

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<sup>3</sup> Penal Law § 10.00(9); See *People v. Chiddick*, 8 NY3d 445 (2007).

<sup>4</sup> Penal Law § 10.00(15).

<sup>5</sup> The statute states "bribe receiving by a labor official as defined in section 180.20." However, that crime is defined in section 180.25.

<sup>6</sup> The statute states "bribe receiving as defined in section 200.05." However, that crime is defined in section 200.10.

<sup>7</sup> Penal Law § 135.70.

compelled or induced (*specify*) to engage in conduct which (*specify*) had a legal right to abstain from engaging in,

or

compelled or induced (*specify*) to abstain from engaging in conduct in which he/she had a legal right to engage;

2. That the defendant thereby compelled or induced (*specify*) to:

*Select appropriate alternative(s):*

Commit or attempt to commit a felony.

Cause or attempt to cause physical injury to a person.

Violate his or her duty as a public servant; and

3. That the defendant did so by means of instilling in (*specify*) a fear that, if the demand were not complied with, the actor or another would:

*Select appropriate alternative(s):*

Cause physical injury to a person;

Cause damage to property;

Engage in [other] conduct constituting a crime;

Accuse some person of a crime or cause criminal charges to be instituted against him/her;

Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule;

Cause a strike, boycott or other collective labor group action injurious to some person's business when the act or omission compelled was not for the benefit of the group in whose interest the actor purported to act;

Testify or provide information or withhold testimony or information with respect to another's legal claim or defense;

Use or abuse his position as a public servant by performing some act within or related to his/her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely;

Perform any [other] act which would not in itself materially benefit the defendant but which is calculated to harm another person materially with respect to his/her health, safety, business, calling, career, financial condition, reputation or personal relationships; and

*[Note: If the affirmative defense does not apply, conclude as follows:*

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

*[NOTE: If the affirmative defense does apply, continue as follows:*

If you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of Coercion in the First Degree as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have proven beyond a reasonable doubt both of the elements, you must consider an affirmative defense the defendant has raised. Remember, if you have already found the defendant not guilty of



Coercion in the First Degree you will not consider the affirmative defense.

Under our law, it is an affirmative defense to the charge of Coercion committed by instilling in the victim a fear that he/she or another person would be charged with a crime, that the defendant reasonably believed the threatened charge to be true and that his sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of such threatened charge.<sup>8</sup>

Under our law, the defendant has the burden of proving an affirmative defense by a preponderance of the evidence.

In determining whether the defendant has proven the affirmative defense by a preponderance of the evidence, you may consider evidence introduced by the People or by the defendant.

A preponderance of the evidence means the greater part of the believable and reliable evidence, not in terms of the number of witnesses or the length of time taken to present the evidence, but in terms of its quality and the weight and convincing effect it has. For the affirmative defense to be proved by a preponderance of the evidence, the evidence that supports the affirmative defense must be of such convincing quality as to outweigh any evidence to the contrary.

Therefore, if you find that the defendant has not proven the affirmative defense by a preponderance of the evidence, then, based upon your initial determination that the People had proven beyond a reasonable doubt the elements of Coercion in the Second Degree, you must find the defendant guilty of that crime as charge in the \_\_\_\_\_ count.

On the other hand, if you find that the defendant has proven the affirmative defense by a preponderance of the evidence, then

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<sup>8</sup> Penal Law § 135.75.

**you must find the defendant not guilty of Coercion in the Second Degree as charged in the \_\_\_\_\_ count.]**

THE REPUBLIC OF THE COMMONWEALTH OF MASSACHUSETTS  
FALL RIVER DISTRICT COURT

FALL RIVER POLICE DEPT.,  
Plaintiff,

:

:

Docket No. 2032CR000183

v .

:

Kilby, Ryan:Tyler,  
Defendant, *in propria persona*

**AFFIDAVIT OF TRUTH**

Kilby, Ryan:Tyler, Defendant, *In Propria Persona*.

I, Ryan of the Kilby family, son of Paul, *in propria persona*, a naturally born massachusetts state citizen, a descendant of the Posterity of the Preamble, a secured party creditor in Rhode Island and Massachusetts, due solemnly swear under penalty of perjury declare the following to be true. On January 14<sup>th</sup>, 2020, I had a conversation with the honorable assistant district attorney Kyle B. McPherson and he notified me there was an open harassment investigation upon me. To address this investigation, in order for criminal harassment to occur there needs to be intention and the defendant needs to knowingly commit harassment. There was no intent to harass anyone; asking women to hang out or offering to buy them coffee is not sufficient for criminal harassment to occur. See *Commonwealth v. Ramirez*, 69 Mass. App. Ct. 9, 10, 21-22 (2007) (Ramirez staring at complainant at swimming pool and singing that he "fell in love with a little girl" insufficient to infer that he intended her to fear harm would befall her). Now, in my opinion and on a side note, I genuinely find what Ramirez said to be really creepy. Especially if the complainant in *Commonwealth v. Ramirez* was under the age of consent. Nevertheless, it is part of

Massachusetts case law and it is applicable to this case as well; I pride myself in being a heterosexual man and I love women over the age of consent.

In total thus far, I have had the privilege and distinction of having consensual sexual intercourse with ten different women. I have dated (dating is defined as taking the woman out for dinner, coffee, movies, dancing, walking, strolling, etc.) dozens of others and I have had fore-play with a few more. All these women were above the legal age of consent. In the year of our Lord 2011, I have had consensual sexual intercourse with three different women in a matter of six months. But I digress, no criminal harassment has ever occurred and I did not knowingly commit criminal harassment. [Comm. v. McDonald](#), 462 Mass. 236 (2012).

**Staring**, without more, is not "sinister." Under [MGL c. 265, s.43A](#), "The act of regularly driving on a public street, looking at people in their driveways or on their porches, or at their dogs and gardens, cannot alone support conviction of a willful and malicious act directed at a specific person." [O'Brien v. Borowski](#), 461 Mass. 415 (2012) Narrows the construction of c.258E.

"We interpret the word '**fear**' in G. L. c. 258E, § 1, to mean **fear of physical harm or fear of physical damage to property**. With that narrowed construction, we conclude that the civil harassment act, G. L. c. 258E, is not constitutionally overbroad because it limits the scope of prohibited speech to constitutionally unprotected '**true threats**' and '**fighting words**.'" [Quinn v. Walsh](#), 49 Mass.App.Ct. 696 (2000) "**Openly conducting adulterous affair was not sufficiently outrageous conduct to support claim for intentional infliction of emotional distress.**" Finally, on the night of January 14<sup>th</sup>, 2020 at a Dunkin Donuts in

Westport, MA, as I am typing this affidavit, I just number-closed (number-close is defined as getting the phone number of the woman) a beautiful sexy Portuguese American woman.



/s/ 

Authorized Representative  
RYAN TYLER KILBY

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*In Propria Persona*

January 15<sup>th</sup>, 2020





**JERRY PINA**

**Notary Public**

Commonwealth of Massachusetts

My Commission Expires Feb. 21, 2025

